United Nations E/C.19/2009/4/Add.10

Economic and Social Council

Distr.: General
7 April 2009
English
Original: Spanish

Permanent Forum on Indigenous Issues
Eighth session
New York, 18-29 May 2009
Items 3 and 4 of the provisional agenda*

Follow-up to the recommendations of the Permanent Forum: (a) Economic and social development; (b) Indigenous women; (c) Second International Decade of the World's Indigenous People

Human rights: (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples; (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Information received from Governments

Spain**

Summary

This document contains the responses of the Government of Spain to the questionnaire sent to Member States concerning the recommendations of the seventh session of the Permanent Forum on Indigenous Issues.

* E/C.19/2009/1.
** This document was submitted late in order to include updated information.

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I. Introduction

1. The Spanish Government recognizes that indigenous peoples are among the most vulnerable groups of people on Earth owing to a lengthy process of discrimination and marginalization which has prevented them from pursuing their own development models and lifestyles.

2. Since the publication of the Second Master Plan for Spanish Cooperation 2005-2008, Spain has made two major multilateral commitments by voting in favour of the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007, and by ratifying, also in 2007, International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. These instruments, together with the Spanish Strategy for Cooperation with Indigenous Peoples (ECEPI), provide the normative and conceptual framework for Spain's activities in this regard.

3. The recently adopted Third Master Plan for Spanish Cooperation 2009-2012 reaffirms Spain's solidarity with indigenous peoples and establishes a general objective of "promot[ing] the recognition and effective exercise of the right of indigenous peoples to formulate their own social, economic, political and cultural development processes" to the benefit of society as a whole.

4. The Plan contains the following specific objectives:

- Support for the full and effective participation of indigenous peoples in the recognition and effective enjoyment of their human, economic, social and cultural rights, as both individuals and members of a community;
- Strengthening of development capacities and the individual and collective empowerment of indigenous peoples and support for their internal processes for the definition and implementation of their own political and social development strategies and models;
- Support for indigenous peoples and organizations in the protection of and control over their territories, environment, cultural systems and cultural heritage through actions for their defence which raise the profile and acknowledge the fundamental role of women in the preservation of their cultures and development;
- Support for the development and strengthening of economic systems defined by indigenous peoples themselves, based on the sustainable development and management of their lands, territories and resources in accordance with their cultural norms.

II. Questionnaire

A. Response to the recommendations of the Permanent Forum on Indigenous Issues[1]

(i) Special theme: Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges

5. Since 2007 Spain has implemented the Spanish Strategy for Cooperation with Indigenous Peoples, with environmental sustainability as a cross-cutting priority and the environment as a sectoral priority. It provides that in the implementation of development cooperation projects in protected areas that form part of or include indigenous territories the preferred approach is to promote association or joint management models with the full and effective participation of the indigenous peoples concerned. This will have a positive impact on conservation and biodiversity and the quality of life of the inhabitants.

Paragraph 9

6. With regard to the need for policymakers to undertake regular consultations with indigenous peoples so that their studies and decisions will be informed by the traditional knowledge and experience of indigenous peoples, from 29 to 31 October 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation (AECID), in conjunction with experts and senior officials from the technical cooperation offices of 15 Latin American countries, coordinated the convening of a workshop in Antigua, Guatemala, entitled "Development cooperation with indigenous peoples: sustainability and the environment". The workshop, attended by indigenous representatives, facilitated the exchange and joint consideration of experience and best practices to promote the mainstreaming of the cross-cutting priority of environmental sustainability and of the sectoral priority of the environment in actions taken in conjunction with indigenous peoples or having an impact on them. In carrying out these actions account is always taken of the fact that one of the goals of the Spanish Strategy for Cooperation with Indigenous Peoples is to ensure that they promote control over and management of their lands, territories and resources by indigenous peoples as fundamental considerations in the protection of the environment.

Paragraph 18

7. The Permanent Forum recommends that the United Nations Declaration on the Rights of Indigenous Peoples should serve as a binding framework in the formulation of plans for development and should be considered fundamental in all processes related to climate change at the local, national, regional and global levels.

8. All cooperation activities and projects funded or developed by the Spanish Agency for International Development Cooperation should be based on the strategic guidelines and priority activities set out in the Spanish Strategy for Cooperation with Indigenous Peoples, the international normative reference framework for which is the United Nations Declaration on the Rights of Indigenous Peoples and ILO

[1] E/2008/43.

Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

Paragraph 19

9. Spain has provided technical and financial support to protect and promote the management of natural resources by indigenous peoples as well as biological diversity, as the Permanent Forum has urged States to do. Spain has provided funding for a project entitled "Support for the full and effective participation of indigenous peoples in Colombia, Paraguay and Argentina in national, regional and international processes relating to protected areas". The project is being implemented by a non-governmental organization, the Almáciga Intercultural Working Group, together with the Neuquén Mapuche Organizations Coordinating Committee (Argentina), the Centre for Cooperation with Indigenous Peoples (Colombia) and Pro Indigenous Communities (Paraguay). This activity has made possible the recent direct participation of indigenous representatives and leaders from these three countries in the World Conservation Congress, held in Barcelona from 5 to 14 October 2008.

Paragraph 21

10. With regard to the recommendation that the environment be assigned a more important profile in strategic planning initiatives at the national level, Spain is committed to reducing greenhouse gases, and is an active participant in international negotiations, largely in the context of annual meetings of the United Nations Framework Convention on Climate Change and the Kyoto Protocol.

Paragraph 31

11. As an example of support for indigenous peoples with regard to policy formulation, technical assistance and help in pursuing measures against climate change and other important environmental issues, attention is drawn to the Second Latin American Meeting of Local Governments in Indigenous Territories, on the theme of "Water, local development and identity", funded by Spain and organized in Guatemala City in November 2008 by the Guatemalan Association of Indigenous Mayors and Authorities. The main topic was the management of water resources in connection with the exploitation of mineral resources on indigenous lands and territories. Over 120 indigenous representatives and leaders from 15 Latin American countries took part.

(ii) Implementation of the recommendations of the six mandated areas of the Permanent Forum and on the Millennium Development Goals

Paragraph 62

Economic and social development

12. The Permanent Forum urges States and State-owned corporations to consult and cooperate in good faith with the indigenous peoples concerned in order to obtain their free, prior and informed consent before the approval of any policies. Accordingly, in May 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation conducted an information session with representatives of various Spanish companies operating in Latin America with a

view to organizing meetings and raising awareness of the need to obtain the free, prior and informed consent of indigenous peoples. At the session Spain's particular commitment to the rights of indigenous peoples and the content of the Spanish Strategy for Cooperation were explained. There was also discussion of the United Nations Declaration on the Rights of Indigenous Peoples and of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, its implementation in Spain and the implications for Spanish companies.[2]

Paragraph 64

13. Regarding the need to include participation by indigenous peoples in reports on the implementation of the Millennium Development Goals and poverty reduction strategy papers, on 13 February 2009 the Spanish Government Council of Ministers approved the Third Master Plan for Spanish Cooperation 2009-2012. Under the Plan, the Spanish policy of cooperation with indigenous peoples is based on its commitment to poverty alleviation and human development. In addition, Spain now has a specific strategy on cooperation with indigenous peoples.

Paragraph 89

Education

14. The Permanent Forum urges States to consider their obligations in this regard under the United Nations Convention on the Rights of the Child and ILO Conventions Nos. 138 and 182. With regard to this issue, in recent years the Spanish Agency for International Development Cooperation has cooperated with the ILO International Programme on the Elimination of Child Labour, and the United Nations Children's Fund (UNICEF) Regional Programme on the Rights of Indigenous Children and Youth in Latin America. Spain intends to continue to support efforts to combat child labour, and indigenous child labour in particular, through the Indigenous Programme of the Spanish Agency for International Development Cooperation.

Paragraph 90

Human rights

15. With regard to the recommendation calling on States to recognize the rights of indigenous peoples and to strengthen their institutions for the promotion and protection of human rights, in 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation provided support for the project entitled "Mobile law school on the rights of indigenous peoples" of the International Work Group for Indigenous Affairs. The project seeks to strengthen the capacities of legal teams in indigenous organizations in South America through the formulation and implementation of a programme offering legal training with on-site and distance learning courses, coordinated by the Centre for Legal Studies and Social Research in Bolivia.

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[2] The Indigenous Programme of the Spanish Agency for International Development Cooperation will shortly issue a publication by Mikel Berraondo, *La ratificación del convenio No. 169, Reflexiones en torno a sus implicaciones*.

(iii) Half-day discussion on indigenous languages

Paragraph 97

16. With regard to the recommendation to support indigenous peoples' language revitalization efforts, the Spanish Strategy for Cooperation with Indigenous Peoples recognizes that bilingual intercultural education combined, with non-indigenous knowledge on the basis of needs defined by indigenous peoples themselves, reflects the reality of each indigenous people and its knowledge. It is not limited to guaranteeing the revival and development of and support for languages, but also includes an intercultural focus in educational initiatives: it fosters the revival of the knowledge, know-how and values of each people, relying on traditional forms of socialization of indigenous children, while incorporating the contribution of Western science and culture, allowing them to develop in their national contexts on a basis of equality and respect.

17. To this end, it is essential for bilingual intercultural education to be recognized and to form an integral part of national education systems. The Spanish Agency for International Development Cooperation has been working to secure such recognition for some years in conjunction with the principal actors in education in various countries such as Panama, Paraguay and Peru.

18. In addition, the Indigenous Programme of the Spanish Agency for International Development Cooperation has attached particular importance to promoting the right to education of indigenous peoples. In this connection, reference is made to support for the Antioquia Indigenous Peoples' School of Government and Administration, through the funding of a project to conduct the first academic semester of 2009. This activity has been funded with a subsidy of 100,000 euros.

(iv) Second international decade of the world's indigenous people

Paragraph 105

19. The First International Indigenous Women's Forum: advancing together towards new challenges, in Lima, Peru, in April 2008, was funded by the Indigenous Programme of the Spanish Agency for International Development Cooperation, and brought together 152 women leaders and representatives of various indigenous entities and groups as well as over 50 observers.

(v) Future work of the Permanent Forum

Paragraph 124

20. As stated at the Seventeenth Ibero-American Summit of Heads of State and Government, held in Chile in November 2007, Spain supports the convening of a world conference on indigenous peoples.

(vi) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Paragraph 128

21. The Spanish Government has endorsed article 42 of the Declaration, which urges States to promote respect for and full implementation of the provisions of the Declaration and to follow up on its effectiveness. Spain considers it necessary for

both the United Nations Declaration on the Rights of Indigenous Peoples and the initiatives and recommendations emanating from the instruments created pursuant thereto to be implemented in practice, thereby bringing about an improvement in the human rights situation of indigenous peoples.

22. To this end, it is essential for there to be coordination and cooperation among the various mechanisms concerned. From 4 to 6 February 2009, Madrid hosted an international seminar of experts entitled "Implementation of the rights of indigenous peoples: the role of United Nations machinery on the rights of indigenous peoples", with the aim of promoting cooperation between the Permanent Forum on Indigenous Issues, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, and the new Expert Mechanism on the Rights of Indigenous Peoples of the Human Rights Council.

Paragraph 143

23. The Permanent Forum requests States, United Nations agencies, churches, non-governmental organizations and the private sector to fully respect the property rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and the Paraguayan and Bolivian Chaco. In this regard, in 2008 the Indigenous Programme of the Spanish Agency for International Development Cooperation continued to promote full respect for the rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and the Paraguayan and Bolivian Chaco through the funding of two projects: "Generating momentum for territorial and environmental protection for indigenous peoples in voluntary isolation and initial contact in the Amazon and Gran Chaco" (presented by the IPES-ELKARTEA Institute for the Advancement of Social Studies) and "Support for the institutional strengthening of the International Committee for the Protection of Indigenous Peoples in Voluntary Isolation and Initial Contact in the Amazon and the Paraguayan Chaco", intended to develop protection measures for those peoples and their territories.

(vii) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples

Paragraph 155

24. With regard to the recommendation urging States to facilitate participation of indigenous peoples, Spain is working to increase participation by representatives of indigenous peoples in regional and global meetings, in particular in the context of the United Nations, that affect recognition of their rights (biodiversity, human rights and protection of intellectual property, among others). Spain's contributions to the United Nations Voluntary Fund for Indigenous Populations are used for this purpose, reflecting a long-standing priority for the Government of Spain. Similarly, through the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean (Indigenous Peoples' Fund), Spain provided support for the participation of indigenous leaders from the Brazilian States of Amazonas and Roraima, as well as from Paraguay, Peru and Colombia, in the World Social Forum held in January 2009 at Belem do Pará.

B. Special attention by the Government of Spain to the recommendations on indigenous women

25. Policies for the empowerment of women are mainstreamed into all the development policies of the Spanish Government, in addition to being a sectoral priority, in view of the need to respond to inequalities through the development of temporary affirmative action measures until gender equality is achieved.

26. The Spanish Strategy for Cooperation with Indigenous Peoples takes into account the fact that the position and status of men and women within the social structures of indigenous peoples are closely linked to their roles in terms of a gender-based division of labour.

27. The Strategy provides for various strategic approaches and priority activities in this sector, including support for indigenous women's organizations in communities and for the full empowerment of indigenous women, as well as the implementation of specific policies in support of indigenous women in terms of organization, sex education, sexual and reproductive health, measures to combat sexual violence, finance and any others that are relevant to overcoming the inequality of rights from which they may suffer in their various social contexts.

28. Among the activities supported by the indigenous Programme of the Spanish Agency for International Development Cooperation, the following projects are of note: "Training for indigenous women in Morona Santiago in the establishment and independent management of microenterprises" (Ecuador); "Educating, supporting and providing sexual and reproductive health services for indigenous women at the Obrajes Women's Guidance Centre to prevent and treat sexually transmitted diseases and HIV/AIDS and provide Pap smears and contraceptive advice" (Bolivia); and "Building participatory democracy among indigenous women", a project being carried out in 10 communities in the Department of Chimaltenango (Guatemala).

C. Difficulties encountered in implementing the recommendations

29. Implementation of the recommendations of the Permanent Forum may encounter difficulties in the context of implementation of development projects in cooperation with indigenous organizations in countries whose official policies have a different focus in terms of prioritizing geographical areas or specific areas of activity. Hence, one of the salient characteristics of policies on cooperation with indigenous peoples is a dual interaction with partner countries: on the one hand, with Government institutions mandated to implement public policy in areas relating to indigenous peoples; and, on the other hand, on a basis of parity, with the associations and organizations that are most representative of the indigenous movement.

D. Factors facilitating implementation of recommendations

30. In the case of Spain, the ad hoc reference framework provided by the Spanish Strategy for Cooperation with Indigenous Peoples means that activities for indigenous peoples are consistent with the international normative framework

constituted by the United Nations Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, as well as with the general principles underlying Spain's international cooperation activities.

E. Specific policies and strategies on indigenous peoples

31. In 2007 the new Spanish Strategy for Cooperation with Indigenous Peoples was approved and revealed. It reflects Spain's commitment to further high-quality cooperation meeting the needs and requirements of indigenous peoples.

32. The Third Master Plan for Spanish Cooperation 2009-2012, recently approved by the Council of Ministers, makes cooperation with indigenous peoples a multisectoral priority.

F. Specialized technical units on indigenous issues

33. The Government of Spain has a specialized technical unit entrusted with planning, coordinating, implementing and ensuring follow-up to all activities in the context of Spanish cooperation, carried out, in part or in whole, on behalf of the indigenous population. This unit — the Indigenous Programme — forms part of the Spanish Agency for International Development Cooperation, itself part of the Ministry of Foreign Affairs and Cooperation.

34. The Indigenous Programme may be contacted at the following address:

Programa Indígena
Agencia Española de Cooperación para el Desarrollo (AECID)
Avenida de Reyes Católicos, no. 4. 28040
Madrid
http://www.aecid.es/indigena

G. Training of officials in indigenous issues

35. The Indigenous Programme of the Spanish Agency for International Development Cooperation organizes annual training seminars on a participatory basis designed to provide training for technical staff working in the Spanish cooperation programme. By way of example, in 2008 the Indigenous Programme conducted a workshop with experts and senior officials from our technical cooperation offices entitled "Development cooperation with indigenous peoples: sustainability and the environment". The workshop facilitated the exchange and joint consideration of experience and best practices to promote the mainstreaming of the cross-cutting priority of environmental sustainability and of the sectoral priority of the environment.

H. Implementation of the United Nations Declaration on the Rights of Indigenous Peoples through its article 42

36. Through its activities in various domains, in particular development cooperation, the Government of Spain seeks to promote the content of the United Nations Declaration on the Rights of Indigenous Peoples, in implementation of its article 42, which urges the specialized agencies of the United Nations system and States to promote respect for and full application of the provisions of the Declaration and to follow up on its effectiveness.